

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

FRIEDA MAE ROGERS and	)	
PREMIER TRUST, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civ. No. 18-116-CFC/SRF
	)	
WILMINGTON TRUST COMPANY	)	
and WILMINGTON TRUST	)	
INVESTMENT ADVISORS, INC.,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Pending before me is a motion for summary judgment filed by Defendant Wilmington Trust Investment Advisors, Inc. (WTIA). D.I. 189. In its Concise Statement of Material Facts in Support of Its Motion for Summary Judgment, WTIA states that “Mr. [Christopher] Sullivan is very familiar with all of the investments purchased and managed by Wilmington Trust for the Roen Trust between November 2008 and January 2015.” D.I. 190, ¶ 4. Plaintiff cites in support of this factual statement a sworn declaration in which Sullivan averred that he was “very familiar with all of the investments purchased and managed by Wilmington Trust for the Roen Trust between November 2008 and January 2015.” D.I. 190-2, ¶ 5. Plaintiffs deny this factual assertion and point to excerpts from Sullivan’s deposition that appear to establish that between 2008 and 2015 Sullivan

never read any of the private placement materials for the private limited partnership investments made by Wilmington Trust for the Roen Trust and that he lacked a basic understanding of the contents of a private placement memorandum. *See* D.I. 226-1 at 12-16.

Because there is a disputed fact that WTIA has said is material to its summary judgment motion, I will deny the motion. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986) (holding that summary judgment will not lie if there is a genuine dispute about a material fact).

WHEREFORE, this 26<sup>th</sup> day of November 2019, Defendant Wilmington Trust Investment Advisor Inc.'s Motion for Summary Judgment (D.I. 189) is DENIED.



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United States District Judge